

Adopted	Rejected
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COMMITTEE REPORT

YES:	14
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-23.7 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2003]: **Sec. 23.7. "Fax" refers to transmission of**
- 6 **information by a facsimile (fax) machine."**
- 7 Page 3, between lines 1 and 2, begin a new paragraph and insert:
- 8 "SECTION 5. IC 3-7-36-2 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 2. A voter
- 10 described in section 1 of this chapter who **wants to:**
- 11 (1) ~~is eligible for an vote~~ **by** absentee ballot under IC 3-11-4; and
- 12 (2) ~~wants to~~ execute an affidavit or a form for voter registration;
- 13 is not required to sign the affidavit or form in the presence of a person
- 14 authorized to administer an oath, and the affidavit or form need not be
- 15 signed by such a person.

SECTION 6. IC 3-7-36-5 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2003]: Sec. 5. (a) This section does not
apply to a voter who files a combined absentee registration form and
absentee ballot request.

(b) When a circuit court clerk or board of registration receives an
application for absentee registration, the clerk or board shall promptly
mail or deliver to the applicant the affidavit prescribed by this ~~chapter~~
title for the registration of an absentee voter by absentee process.

(c) When the properly executed and certified affidavit is returned to
the clerk or board, the applicant becomes a registered voter in the
precinct of residence."

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 15. IC 3-11-4-0.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2003]: **Sec. 0.5. For purposes of this
chapter, an absentee ballot application or an absentee ballot is
considered "sent" to a voter if the application or ballot is:**

- (1) sent by United States mail addressed to the voter;**
- (2) transmitted by fax to a number provided by the voter; or**
- (3) personally given to the voter.**

SECTION 16. IC 3-11-4-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. (a) A voter who
is otherwise qualified to vote in person, including a person eligible to
vote under IC 3-10-11 or IC 3-10-12, ~~but who expects to be:~~

- ~~(1) absent from the county on election day;~~
- ~~(2) absent from the precinct of the voter's residence on election
day because of service as a precinct election officer under
IC 3-6-5, IC 3-6-6, or IC 3-6-8; as a watcher under IC 3-6-8;
IC 3-6-9; or IC 3-6-10; as a challenger or pollbook holder under
IC 3-6-7; or as a person employed by an election board to
administer the election for which the absentee ballot is requested;~~
- ~~(3) confined on election day to the voter's residence; to a health
care facility; or to a hospital because of an illness or injury;~~
- ~~(4) a voter with disabilities;~~
- ~~(5) an elderly voter;~~
- ~~(6) prevented from voting due to the voter's care of an individual
confined to a private residence because of illness or injury; or~~
- ~~(7) scheduled to work at the person's regular place of employment~~

1 ~~during the entire twelve (12) hours that the polls are open;~~
 2 is ~~eligible~~ **entitled** to vote by absentee ballot. **Except as otherwise**
 3 **provided in this article, a voter voting by absentee ballot must vote**
 4 **in the office of the circuit court clerk or at a satellite office**
 5 **established under IC 3-11-10-26.3.**

6 (b) A county election board, by unanimous vote of its entire
 7 membership, may authorize a person who is otherwise qualified to vote
 8 in person, including a person eligible to vote under IC 3-10-11 or
 9 IC 3-10-12, to vote by absentee ballot if the board determines that the
 10 person has been hospitalized or suffered an injury following the final
 11 date and hour for applying for an absentee ballot that would prevent the
 12 person from voting in person at the polls.

13 (c) The commission, by unanimous vote of its entire membership,
 14 may authorize a person who is otherwise qualified to vote in person,
 15 including a person eligible to vote under IC 3-10-11 or IC 3-10-12, to
 16 vote by absentee ballot if the commission determines that an
 17 emergency prevents the person from voting in person at a polling place.

18 (d) The absentee ballots used in subsection (b) or (c) must be the
 19 same official absentee ballots as described in section 12 and 13 of this
 20 chapter. Taking into consideration the amount of time remaining before
 21 the election, the commission shall determine whether the absentee
 22 ballots are transmitted to and from the voter by mail or personally
 23 delivered. An absentee ballot that is personally delivered shall comply
 24 with the requirements in sections 19, 20, and 21 of this chapter.

25 SECTION 17. IC 3-11-4-2, AS AMENDED BY P.L.38-1999,
 26 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2003]: Sec. 2. (a) A voter who ~~is eligible~~ **wants** to vote
 28 by absentee ballot must apply to the county election board for an
 29 official absentee ballot.

30 (b) If an individual applies for an absentee ballot as the properly
 31 authorized attorney in fact for a voter, the attorney in fact must attach
 32 a copy of the power of attorney to the application.

33 SECTION 18. IC 3-11-4-3, AS AMENDED BY P.L.176-1999,
 34 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b)
 36 and sections 6 and 8 of this chapter, an application for an absentee
 37 ballot must be received by the circuit court clerk (or, in a county
 38 subject to IC 3-6-5.2, the director of the board of elections and

1 registration) not earlier than ninety (90) days before election day nor
2 later than the following:

3 (1) Noon on the day before election day if the voter completes the
4 application in the office of the circuit court clerk.

5 (2) Noon on the day before election day if:

6 (A) the application is a mailed or hand delivered application
7 from a confined voter or voter caring for a confined person;
8 and

9 (B) the applicant requests that the absentee ballots be
10 delivered to the applicant by an absentee voter board.

11 (3) Midnight on the eighth day before election day if the
12 application:

13 (A) is a mailed application; or

14 (B) was transmitted by a ~~facsimile~~ fax; ~~machine~~;

15 from other voters.

16 (b) This subsection applies to an absentee ballot application from a
17 confined voter or voter caring for a confined person that is sent by
18 ~~facsimile~~ fax, ~~transmission~~, mailed, or hand delivered to the circuit
19 court clerk of a county having a consolidated city. An application
20 subject to this subsection that is sent by ~~facsimile~~ fax ~~transmission~~ or
21 hand delivered must be received by the circuit court clerk not earlier
22 than ninety (90) days before election day nor later than 10 p.m. on the
23 fifth day before election day. An application subject to this subsection
24 that is mailed must be received by the circuit court clerk not earlier
25 than ninety (90) days before election day and not later than 10 p.m. on
26 the eighth day before election day.

27 SECTION 19. IC 3-11-4-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. (a)
29 Applications may be made:

30 (1) in person;

31 (2) by fax; ~~transmission~~; or

32 (3) by mail;

33 on application forms furnished by the county election board or
34 approved by the commission.

35 (b) Application forms shall:

36 (1) be furnished to all central committees in the county no later
37 than:

38 (A) June 15, for a general election or a special election ordered

- 1 under IC 3-12-8-17 or IC 3-12-11-18 following the primary
 2 election; or
 3 (B) January 15, for a primary election or a special election
 4 ordered under IC 3-12-8-17 or IC 3-12-11-18 following the
 5 general election;
 6 (2) be:
 7 (A) mailed; or
 8 (B) ~~except as provided in subsection (c);~~ transmitted by fax;
 9 ~~machine;~~
 10 upon request, to a voter applying by mail, by telephone, or by fax;
 11 ~~transmission;~~ and
 12 (3) be delivered to a voter in person who applies at the circuit
 13 court clerk's office.
 14 (c) The county election board shall:
 15 (1) accept; and
 16 (2) transmit;
 17 applications for absentee ballots under subsection (a) ~~using a facsimile~~
 18 ~~(FAX) machine. only if the county election board owns or has access~~
 19 ~~to a FAX machine. However, by fax.~~ A county election board shall
 20 accept an application for an absentee ballot transmitted by fax ~~machine~~
 21 even though the application is delivered to the county election board by
 22 a person other than the person submitting the application.
 23 SECTION 20. IC 3-11-4-6, AS AMENDED BY P.L.273-2001,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JANUARY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding
 26 any other provision of this title, to absentee ballot applications for **the**
 27 **following:**
 28 (1) An absent uniformed services voter. ~~(as defined in 42 U.S.C.~~
 29 ~~1973ff-6(1)). and~~
 30 (2) An address confidentiality program participant (as defined in
 31 IC 5-26.5-1-6).
 32 **(3) An overseas voter.**
 33 (b) A county election board shall make blank absentee ballot
 34 applications available for persons covered by this section after
 35 November 20 preceding the election to which the application applies.
 36 Except as provided in subsection (c), the person may apply for an
 37 absentee ballot at any time after the applications are made available.
 38 (c) A person covered by this section may apply for an absentee

1 ballot for the next scheduled primary, general, or special election at any
2 time by filing a standard form approved under 42 U.S.C. 1973ff(b).

3 (d) If the county election board receives an absentee ballot
4 application from a person described by this section, the circuit court
5 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
6 3406, all ballots for the election immediately upon receipt of the ballots
7 under sections 13 and 15 of this chapter.

8 (e) Whenever ~~an absent uniformed services voter or an address~~
9 ~~confidentiality program participant (as defined in IC 5-26.5-1-6)~~ **a**
10 **voter described in subsection (a)** files an application for a primary
11 election absentee ballot and indicates on the application that:

12 (1) the voter is an absent uniformed services voter and does not
13 expect to be in the county on general election day and on the date
14 of any special election conducted during the twelve (12) months
15 following the date of the application; ~~or~~

16 (2) the voter is an address confidentiality program participant; **or**

17 **(3) the voter is an overseas voter and does not expect to be in**
18 **the county on general election day and on the date of any**
19 **special election conducted during the twelve (12) months**
20 **following the date of the application;**

21 the application is an adequate application for a general election
22 absentee ballot under this chapter and an absentee ballot for a special
23 election conducted during the twelve (12) months following the date of
24 the application. The circuit court clerk and county election board shall
25 process this application and ~~mail send~~ general election and special
26 election absentee ballots to the voter in the same manner as other
27 general election and special election absentee ballot applications and
28 ballots are processed and ~~mailed sent~~ under this chapter.

29 (f) The name, address, telephone number, and any other identifying
30 information relating to a program participant (as defined in
31 IC 5-26.5-1-6) in the address confidentiality program, as contained in
32 a voting registration record, is declared confidential for purposes of
33 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
34 for public inspection or copying a name, an address, a telephone
35 number, or any other information described in this subsection, as
36 contained in a voting registration record, except as follows:

37 (1) To a law enforcement agency, upon request.

38 (2) As directed by a court order.

(g) ~~This subsection applies to a county election board that owns or has access to a facsimile (FAX) machine. The county election board may shall~~ transmit and receive absentee ballots by fax ~~machine to voters covered under the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff) under the following circumstances:~~

(1) ~~If an emergency is declared by the President of the United States, the Congress of the United States, or the presidential designee under the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff):~~

(2) ~~If otherwise mandated to do so under federal law:~~

to an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

(h) **The county election board shall send confirmation to a voter described in subsection (g) that the voter's absentee ballot has been received as follows:**

(1) **If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.**

(2) **If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.**

(3) **If the voter does not provide a fax number or an electronic mail address, the county election board shall send the confirmation by United States mail.**

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

SECTION 21. IC 3-11-4-7, AS AMENDED BY P.L.273-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 7. (a) An absentee ballot application under section 6 of this chapter must

(+) be made on a standard form approved under 42 U.S.C.

1973ff(b) or on the form prescribed by the commission under section 5.1 of this chapter. and

~~(2) show that the:~~ **(b) An absentee ballot application under section 6 of this chapter from an:**

~~(A) (1) absent uniformed services voter; (as defined in 42 U.S.C. 1973ff-6(1)); or~~

~~(B) (2) address confidentiality program participant (as defined in IC 5-26.5-1-6);~~

must show that the voter or program participant is a resident otherwise qualified to vote in the precinct.

(c) An absentee ballot application under section 6 of this chapter from an overseas voter must show that the overseas voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the United States.

SECTION 22. IC 3-11-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 8. ~~(a) Except as provided in subsection (b), an overseas voter may apply for an absentee ballot from this state and vote by absentee ballot in an election in this state for which the voter is qualified and in which absentee ballots are used:~~

~~(b) An overseas voter who resides outside the United States and who is no longer a resident of a precinct in Indiana is only entitled to receive absentee ballots for a federal office under this chapter.~~

~~(c) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies: Except as provided in subsection (d), the person may apply for an absentee ballot at any time after the applications are made available:~~

~~(d) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b):~~

~~(e) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage to the extent as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter:~~

~~(f) Whenever an overseas voter files an application for a primary election absentee ballot under this section and indicates on the~~

1 application that the voter does not expect to be in the county on general
 2 election day and on the date of any special election conducted during
 3 the twelve (12) months following the date of the application; the
 4 application is an adequate application for a general election absentee
 5 ballot under this chapter and an absentee ballot for a special election
 6 conducted during the twelve (12) months following the date of the
 7 application. The circuit court clerk and county election board shall
 8 process this application and mail general election and special election
 9 absentee ballots to the voter in the same manner as other general
 10 election and special election absentee ballot applications and ballots
 11 are processed and mailed under this chapter.

12 SECTION 23. IC 3-11-4-17 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 17. Upon receipt
 14 of an application for an absentee ballot, a circuit court clerk shall file
 15 the application in the clerk's office and record **all of the following:**

- 16 (1) The voter's name.
- 17 (2) The date the application is received.
- 18 (3) The date the ballot is ~~mailed or delivered~~ sent to the voter.
- 19 (4) If mailed, the address to which the ballot is sent.
- 20 (5) **If transmitted by fax, the fax number to which the ballot**
 21 **is faxed.**
- 22 (6) The date the ballot is marked before the clerk or otherwise
 23 received from the voter. ~~and~~
- 24 ~~(6)~~ (7) Any other information that is necessary or advisable.

25 SECTION 24. IC 3-11-4-18 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 18. (a) If a voter
 27 ~~is entitled to vote an absentee ballot,~~ **satisfies any of the following,** the
 28 county election board shall, at the request of the voter, mail the official
 29 ballot, postage fully prepaid, to the voter at the address stated in the
 30 application:

- 31 (1) **The voter will be absent from the county on election day.**
- 32 (2) **The voter will be absent from the precinct of the voter's**
 33 **residence on election day because of service as:**
 - 34 (A) **a precinct election officer under IC 3-6-6;**
 - 35 (B) **a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;**
 - 36 (C) **a challenger or pollbook holder under IC 3-6-7; or**
 - 37 (D) **a person employed by an election board to administer**
 38 **the election for which the absentee ballot is requested.**

1 **(3) The voter will be confined on election day to the voter's**
 2 **residence, to a health care facility, or to a hospital because of**
 3 **an illness or injury.**

4 **(4) The voter is a voter with disabilities.**

5 **(5) The voter is an elderly voter.**

6 **(6) The voter is prevented from voting due to the voter's care**
 7 **of an individual confined to a private residence because of**
 8 **illness or injury.**

9 **(7) The voter is scheduled to work at the person's regular**
 10 **place of employment during the entire twelve (12) hours that**
 11 **the polls are open.**

12 (b) The ballot shall be mailed:

13 (1) on the day of the receipt of the voter's application; or

14 (2) not more than five (5) days after the date of delivery of the
 15 ballots under section 15 of this chapter;

16 whichever is later.

17 (c) In addition to the ballot mailed under subsection (b), the county
 18 election board shall mail a special absentee ballot for

19 ~~(1) absent uniformed services voters; and~~

20 ~~(2) overseas voters.~~

21 ~~who will be outside of the United States on general election day.~~

22 (d) The ballot described in subsection (c):

23 (1) must be mailed:

24 (A) on the day of the receipt of the voter's application; or

25 (B) not more than five (5) days after the date of delivery of the
 26 ballots under section 13(b) of this chapter;

27 whichever is later; and

28 (2) may not be mailed after the absentee ballots described by
 29 section 13(a) of this chapter have been delivered to the circuit
 30 court clerk or the clerk's authorized deputy.

31 SECTION 25. IC 3-11-4-22 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 22. Each circuit
 33 court clerk shall **do both of the following:**

34 (1) Keep a separate absentee ballot record for each precinct in the
 35 county. ~~and~~

36 (2) Certify to each inspector, at the time that the absentee ballots
 37 are delivered, **all the following:**

38 (A) The number of absentee ballots ~~delivered or mailed sent~~

1 to each absentee voter.

2 (B) The number of absentee ballots marked before the clerk.

3 ~~and~~

4 (C) The names of the voters to whom the ballots were
5 ~~delivered or mailed sent~~ or who marked ballots in person.".

6 Page 10, between lines 27 and 28, begin a new paragraph and insert:

7 "SECTION 31. IC 3-11-10-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. (a) A voter
9 voting by absentee ballot shall make and subscribe to the affidavit
10 prescribed by IC 3-11-4-21. The voter then shall, **except as provided**
11 **in subsection (b), do the following:**

12 (1) Mark the ballot in the presence of no other person.

13 (2) Fold each ballot separately.

14 (3) Fold each ballot so as to conceal the marking.

15 (4) Enclose each ballot, with the seal and signature of the circuit
16 court clerk on the outside, together with any unused ballot, in the
17 envelope provided.

18 (5) Securely seal the envelope. ~~and~~

19 (6) Do one (1) of the following:

20 (A) Mail the envelope to the county election board, with not
21 more than one (1) ballot per envelope.

22 (B) Deliver the envelope to the county election board in
23 person.

24 (C) Deliver the envelope to a member of the voter's household
25 or a person designated as the attorney in fact for the voter
26 under IC 30-5.

27 **(b) A voter permitted to transmit the voter's absentee ballots by**
28 **fax under IC 3-11-4-6 is not required to comply with subsection (a).**
29 **The individual designated by the circuit court clerk to receive**
30 **absentee ballots transmitted by fax shall do the following upon**
31 **receipt of an absentee ballot transmitted by fax:**

32 **(1) Note the receipt of the absentee ballot in the records of the**
33 **circuit court clerk as other absentee ballots received by the**
34 **circuit court clerk are noted.**

35 **(2) Fold each ballot received from the voter separately so as**
36 **to conceal the marking.**

37 **(3) Enclose each ballot in a blank absentee ballot envelope.**

38 **(4) Securely seal the envelope.**

1 **(5) Mark on the envelope: "Absentee Ballot Received by Fax".**

2 **(6) Securely attach to the envelope the faxed affidavit received**
 3 **with the voter's absentee ballots.**

4 **(c) Except as otherwise provided in this title, absentee ballots**
 5 **received by fax shall be handled and processed as other absentee**
 6 **ballots received by the circuit court clerk are handled and**
 7 **processed.**

8 SECTION 32. IC 3-11-10-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. (a) Upon
 10 receipt of an absentee ballot, a county election board (or the absentee
 11 voter board in the office of the circuit court clerk) shall immediately
 12 examine the signature of the absentee voter to determine its
 13 genuineness.

14 **(b) This subsection does not apply to an absentee ballot cast by**
 15 **a voter permitted to transmit the voter's absentee ballots by fax**
 16 **under IC 3-11-4-6.** The board shall compare the signature as it appears
 17 upon the envelope containing the absentee ballot with the signature of
 18 the voter as it appears upon the application for the absentee ballot. The
 19 board may also compare the signature on the ballot envelope with any
 20 other admittedly genuine signature of the voter.

21 **(c) This subsection applies to an absentee ballot cast by a voter**
 22 **permitted to transmit the voter's absentee ballots by fax under**
 23 **IC 3-11-4-6. The board shall compare the signature as it appears**
 24 **on the affidavit transmitted with the voter's absentee ballot to the**
 25 **voter's signature as it appears on the application for the absentee**
 26 **ballot. The board may also compare the signature on the affidavit**
 27 **with any other admittedly genuine signature of the voter.**

28 ~~(b)~~ **(d)** If a member of the absentee voter board questions whether
 29 a signature on a ballot envelope **or transmitted affidavit** is genuine,
 30 the matter shall be referred to the county election board for
 31 consideration under section 5 of this chapter.

32 SECTION 33. IC 3-11-10-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 5. If a county
 34 election board unanimously finds that the signature on a ballot
 35 envelope **or transmitted affidavit** is not genuine, the board shall write
 36 upon the ballot envelope **or transmitted affidavit** the words "The
 37 county election board has questioned the genuineness of the signature
 38 of this voter.". These ballots shall be delivered to the polls on election

1 day under section 12 of this chapter with instructions to verify the
2 voter's signature under section 15 of this chapter.

3 SECTION 34. IC 3-11-10-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 6. If a county
5 election board is unable to unanimously determine whether the
6 signature on a ballot envelope is genuine, the board shall write upon
7 the ballot envelope **or transmitted affidavit** the words "Signature
8 Disputed". The board then shall deliver all disputed ballot envelopes,
9 together with any evidence of a documentary nature presented before
10 the board, to the proper precinct at the same time that undisputed
11 ballots are delivered.

12 SECTION 35. IC 3-11-10-8 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 8. If a county
14 election board (or the absentee voter board in the office of the circuit
15 court clerk) unanimously finds that the signature on a ballot envelope
16 **or transmitted affidavit** is genuine, the board shall enclose
17 immediately the accepted and unopened ballot envelope together with
18 the voter's application for the absentee ballot in a large or carrier
19 envelope. The envelope shall be securely sealed and endorsed with the
20 name and official title of the circuit court clerk and the following
21 words: "This envelope contains an absentee ballot and must be opened
22 only at the polls on election day while the polls are open."

23 SECTION 36. IC 3-11-10-14 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 14. Subject to
25 section 11 of this chapter, absentee ballots received by mail **or fax** after
26 the county election board has started the final delivery of the ballots to
27 the precincts on election day are considered as arriving too late and
28 need not be delivered to the polls.

29 SECTION 37. IC 3-11-10-15 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 15. At any time
31 between the opening and closing of the polls on election day, the
32 inspector, in the presence of the precinct election board, shall **do all of**
33 **the following:**

- 34 (1) Open the outer or carrier envelope containing an absentee
35 ballot envelope and application.
- 36 (2) Announce the absentee voter's name. ~~and~~
- 37 (3) Compare the signature upon the application with the signature
38 upon the affidavit on the ballot envelope **or transmitted affidavit**

1 **attached to the ballot envelope.**

2 SECTION 38. IC 3-11-10-17, AS AMENDED BY P.L.38-1999,
3 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2003]: Sec. 17. (a) If the inspector finds under section
5 15 of this chapter that **any of the following applies, a ballot may not**
6 **be accepted or counted:**

7 (1) The affidavit is insufficient or the ballot has not been endorsed
8 with the initials of:

9 (A) the two (2) members of the absentee voter board in the
10 office of the circuit court clerk under IC 3-11-4-19 or section
11 26 of this chapter;

12 (B) the two (2) members of the absentee voter board visiting
13 the voter under section 25(b) of the chapter; or

14 (C) the two (2) appointed members of the county election
15 board or their designated representatives under IC 3-11-4-19.

16 (2) A copy of the voter's signature has been furnished to the
17 precinct election board and that the signatures do not correspond
18 or there is no signature.

19 (3) The absentee voter is not a qualified voter in the precinct.

20 (4) The absentee voter has voted in person at the election.

21 (5) The absentee voter has not registered.

22 (6) The ballot is open or has been opened and resealed. **This**
23 **subdivision does not permit an absentee ballot transmitted by**
24 **fax to be rejected because the ballot was sealed in the absentee**
25 **ballot envelope by the individual designated by the circuit**
26 **court to receive absentee ballots transmitted by fax.**

27 (7) The ballot envelope contains more than one (1) ballot of any
28 kind for the same office or public question.

29 (8) In case of a primary election, if the absentee voter has not
30 previously voted, the voter failed to execute the proper
31 declaration relative to age and qualifications and the political
32 party with which the voter intends to affiliate. ~~or~~

33 (9) The ballot has been challenged and not supported.

34 ~~then the ballots may not be accepted or counted:~~

35 (b) Subsection (c) applies whenever a voter with a disability is
36 unable to make a signature:

37 (1) on an absentee ballot application that corresponds to the
38 voter's signature in the records of the county voter registration

1 office; or
 2 (2) on an absentee ballot secrecy envelope that corresponds with
 3 the voter's signature:

- 4 (A) in the records of the county voter registration office; or
- 5 (B) on the absentee ballot application.

6 (c) The voter may request that the voter's signature or mark be
 7 attested to by:

- 8 (1) the absentee voter board under section 25(b) of this chapter;
- 9 (2) a member of the voter's household; or
- 10 (3) an individual serving as attorney in fact for the voter.

11 (d) An attestation under subsection (c) provides an adequate basis
 12 for an inspector to determine that a signature or mark complies with
 13 subsection (a)(2).

14 SECTION 39. IC 3-11-10-24, AS AMENDED BY P.L.38-1999,
 15 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2003]: Sec. 24. (a) Except as provided in subsection (b),
 17 ~~each a voter entitled to vote by absentee ballot who satisfies any of the~~
 18 **following** is entitled to vote by mail:

- 19 **(1) The voter will be absent from the county on election day.**
- 20 **(2) The voter will be absent from the precinct of the voter's**
 21 **residence on election day because of service as:**
 - 22 **(A) a precinct election officer under IC 3-6-6;**
 - 23 **(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;**
 - 24 **(C) a challenger or pollbook holder under IC 3-6-7; or**
 - 25 **(D) a person employed by an election board to administer**
 26 **the election for which the absentee ballot is requested.**
- 27 **(3) The voter will be confined on election day to the voter's**
 28 **residence, to a health care facility, or to a hospital because of**
 29 **an illness or injury.**
- 30 **(4) The voter is a voter with disabilities.**
- 31 **(5) The voter is an elderly voter.**
- 32 **(6) The voter is prevented from voting due to the voter's care**
 33 **of an individual confined to a private residence because of**
 34 **illness or injury.**
- 35 **(7) The voter is scheduled to work at the person's regular**
 36 **place of employment during the entire twelve (12) hours that**
 37 **the polls are open.**

38 (b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) After a voter has mailed an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 40. IC 3-11-10-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 25. (a) ~~Voters A~~ **voter** who ~~are entitled to vote~~ **votes** by absentee ballot because of:

(1) illness or injury; or

(2) caring for a confined person at a private residence;

~~under IC 3-11-4-1~~ and who ~~are~~ **is** within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A

1 person who knowingly violates this subsection commits
 2 obstruction or interference with an election officer in the
 3 discharge of the officer's duty, a violation of IC 3-14-3-4.

4 (d) The county election board, by unanimous vote of the board's
 5 entire membership, may authorize an absentee voter board to visit a
 6 voter who is confined due to illness or injury and will be outside of the
 7 county on election day in accordance with the procedures set forth in
 8 subsection (b).

9 SECTION 41. IC 3-11-10-26, AS AMENDED BY P.L.167-2001,
 10 SECTION 1, AND P.L.199-2001, SECTION 23, IS AMENDED TO
 11 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 26. (a)
 12 As an alternative to voting by mail, a voter **is** entitled to cast an
 13 absentee ballot ~~may vote by absentee ballot~~ before an absentee voter
 14 board:

15 (1) in the office of the circuit court clerk; or

16 (2) at a satellite office established under section 26.3 of this
 17 chapter.

18 (b) The voter must sign an application on the form prescribed by the
 19 commission under IC 3-11-4-5.1 before being permitted to vote. The
 20 application must be received by the circuit court clerk not later than the
 21 time prescribed by IC 3-11-4-3.

22 (c) The voter may vote before the board not more than twenty-nine
 23 (29) days nor later than noon on the day before election day.

24 (d) The absentee voter board in the office of the circuit court clerk
 25 must permit voters to cast absentee ballots under this section for at
 26 least seven (7) hours on each of the two (2) Saturdays preceding
 27 election day.

28 (e) Notwithstanding subsection (d), in a county with a population of
 29 less than twenty thousand (20,000), the absentee voter board in the
 30 office of the circuit court clerk, with the approval of the county election
 31 board, may reduce the number of hours available to cast absentee
 32 ballots under this section to a minimum of four (4) hours on each of the
 33 two (2) Saturdays preceding election day."

34 Page 11, delete lines 1 through 37, begin a new paragraph and
 35 insert:

36 **"(b) A voting system that has the ability must demonstrate to the**
 37 **voter whether any of the following apply to the voter's ballot:**

38 **(1) The voter has failed to cast votes for as many candidates**

as the voter is entitled to vote for an office.

(2) The voter has cast votes for too many candidates for an office.

(3) The voter has failed to cast a vote on a public question.

(4) The voter has cast votes both in favor of and in opposition to a public question.

(c) The components of a voting system that provide information to the voter under subsection (b) may be separate from the components of the voting system the voter uses to record the voter's votes."

Page 11, line 38, delete "(e)" and insert "(d)".

Page 11, line 38, delete "(f)" and insert "(e)".

Page 11, line 41, delete "(f)" and insert "(e)".

Page 11, line 42, delete "(e)" and insert "(d)".

Page 12, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 44. IC 3-11.5-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: **Sec. 5. An absentee ballot application or an absentee ballot is considered "sent" to a voter if the application or ballot is:**

(1) sent by United States mail addressed to the voter;

(2) transmitted by fax to a number provided by the voter; or

(3) personally given to the voter.

SECTION 45. IC 3-11.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were ~~delivered or mailed~~ sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 46. IC 3-11.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. If a county election board finds that the signature on a ballot envelope **or**

1 **transmitted affidavit** is not genuine, the board shall write upon the
 2 ballot envelope the words "The county election board has rejected this
 3 ballot because the signature of this voter is not genuine."

4 SECTION 47. IC 3-11.5-4-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 5. If a county
 6 election board unanimously finds that the signature on a ballot
 7 envelope **or transmitted affidavit** is genuine, the board shall enclose
 8 immediately the accepted and unopened ballot envelope, together with
 9 the voter's application for the absentee ballot, in a large or carrier
 10 envelope. The envelope shall be securely sealed and endorsed with the
 11 name and official title of the circuit court clerk and the following
 12 words: "This envelope contains an absentee ballot and must be opened
 13 only on election day under IC 3-11.5."

14 SECTION 48. IC 3-11.5-4-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 8. (a) Each county
 16 election board shall certify the names of voters:

17 (1) to whom absentee ballots were ~~delivered or mailed sent~~ or
 18 who marked ballots in person; and

19 (2) whose ballots have been received by the board under this
 20 chapter;

21 after the certification under section 1 of this chapter and not later than
 22 noon on election day.

23 (b) The county election board shall have the certificates described
 24 in subsection (a) delivered to the precinct election boards at their
 25 respective polls on election day by couriers appointed under section 22
 26 of this chapter.

27 (c) The certificates shall be delivered not later than 3 p.m. on
 28 election day.

29 SECTION 49. IC 3-11.5-4-9 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 9. (a) Upon
 31 delivery of the ~~certificate~~ **certificates** under section 8 of this chapter to
 32 a precinct election board, the inspector shall mark the poll list. in the
 33 presence of the poll clerks. The poll clerks shall sign the statement
 34 printed on the certificate indicating that the inspector marked the poll
 35 list **and attached the certificates** under this section in the presence of
 36 both poll clerks to indicate that the absentee ballot of the voter has been
 37 received by the county election board.

38 (b) If a person listed in the certificate has voted in person at the

polls before the delivery of the certificate, the inspector shall initial the voter's name on the certificate in the presence of both poll clerks. The poll clerks shall sign the statement printed on the certificate **supplied under section 1 of this chapter** indicating that the inspector initialed the names of voters under this subsection in the presence of both poll clerks.

(c) The inspector shall then deposit:

- (1) the certificate prepared under section 1 of this chapter;
- (2) the certificate prepared under section 8 of this chapter; and
- (3) any challenge affidavit executed by a qualified person under section 16 of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 50. IC 3-11.5-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail **or fax** after noon on election day are considered as arriving too late and may not be counted.

SECTION 51. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope **or transmitted**

1 **affidavit.**

2 SECTION 52. IC 3-11.5-4-13, AS AMENDED BY P.L.38-1999,
3 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2003]: Sec. 13. (a) If the absentee ballot counters find
5 under section 11 of this chapter that **any of the following applies, the**
6 **ballots shall be rejected:**

7 (1) The affidavit is insufficient or that the ballot has not been
8 endorsed with the initials of:

9 (A) the two (2) members of the absentee voter board in the
10 office of the clerk of the circuit court under IC 3-11-4-19 or
11 IC 3-11-10-26;

12 (B) the two (2) members of the absentee voter board visiting
13 the voter under IC 3-11-10-25; or

14 (C) the two (2) appointed members of the county election
15 board or their designated representatives under IC 3-11-4-19.

16 (2) The signatures do not correspond or there is no signature.

17 (3) The absentee voter is not a qualified voter in the precinct.

18 (4) The absentee voter has voted in person at the election.

19 (5) The absentee voter has not registered.

20 (6) The ballot is open or has been opened and resealed. **This**
21 **subdivision does not permit an absentee ballot transmitted by**
22 **fax to be rejected because the ballot was sealed in the absentee**
23 **ballot envelope by the individual designated by the circuit**
24 **court to receive absentee ballots transmitted by fax.**

25 (7) The ballot envelope contains more than one (1) ballot of any
26 kind.

27 (8) In case of a primary election, if the absentee voter has not
28 previously voted, the voter failed to execute the proper
29 declaration relative to age and qualifications and the political
30 party with which the voter intends to affiliate. ~~or~~

31 (9) The ballot has been challenged and not supported.

32 ~~the ballots shall be rejected:~~

33 (b) If the absentee ballot counters are unable to agree on a finding
34 described under this section or section 12 of this chapter, the county
35 election board shall make the finding.

36 (c) The absentee ballot counters or county election board shall issue
37 a certificate to a voter whose ballot has been rejected under this section
38 if the voter appears in person before the board not later than 5 p.m. on

1 election day. The certificate must state that the voter's absentee ballot
2 has been rejected and that the voter may vote in person under section
3 21 of this chapter if otherwise qualified to vote."

4 Page 21, after line 34, begin a new paragraph and insert:

5 "SECTION 57. THE FOLLOWING ARE REPEALED
6 [EFFECTIVE JANUARY 1, 2003]: IC 3-11-4-9; IC 3-11.5-4-25;
7 IC 3-11.5-4-26; IC 3-11.5-4-27."

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1224 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski